

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

EMG TECHNOLOGY, LLC,  
Plaintiff,

v.

APPLE INC.,  
AMERICAN AIRLINES, INC.,  
BLOOMBERG, L.P.,  
CONTINENTAL AIRLINES, INC.,  
UNITED PARCEL SERVICE, INC.,  
Defendants.

Case No. 6:08-cv-447-LED

**JURY TRIAL DEMANDED**

**JOINT MOTION TO EXTEND THE TIME TO FILE PROPOSED  
DOCKET CONTROL AND DISCOVERY ORDERS**

The parties respectfully request that the Court extend the deadline for the filing of proposed docket control and discovery orders from June 22, 2009, to June 29, 2009. The parties request this extension as they continue negotiate on the terms of the proposed orders.

Dated: June 22, 2009

Respectfully Submitted,

**OF COUNSEL:**

By: /s/ Charles Ainsworth

Jeffer, Mangels, Butler and Marmaro, LLP

Stanley M. Gibson  
(Cal. Bar No. 162329)  
[smg@jmbm.com](mailto:smg@jmbm.com)

Joshua S. Hodas, Ph.D.  
(Cal. Bar No. 250812)  
[jsh@jmbm.com](mailto:jsh@jmbm.com)

1900 Avenue of the Stars, Seventh Floor  
Los Angeles, CA 90067  
Telephone: (310) 203-8080  
Facsimile: (310) 203-0567

Charles Ainsworth  
State Bar No. 00783521  
Robert Christopher Bunt  
State Bar No. 00787165  
PARKER, BUNT & AINSWORTH, P.C.  
100 E. Ferguson, Suite 1114  
Tyler, TX 75702  
903/531-3535  
903/533-9687  
E-mail: [charley@pbatyler.com](mailto:charley@pbatyler.com)  
E-mail: [rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)

**ATTORNEYS FOR PLAINTIFF,  
EMG TECHNOLOGY, LLC**

Manatt, Phelps & Phillips, LLP

Robert D. Becker  
(Cal. Bar No. 160648)  
[rbecker@manatt.com](mailto:rbecker@manatt.com)

Shawn G. Hansen  
(Cal. Bar No. 197033)  
[shansen@manatt.com](mailto:shansen@manatt.com)

1001 Page Mill Road, Building 2  
Palo Alto, CA 94304  
Telephone: (650) 812-1300  
Facsimile: (650) 213-0260

By: /s/ John R. Lane with permission by  
Charles Ainsworth

David J. Healey (09327980)  
Lead Attorney  
Garland T. Stephens (24053910)  
John R. Lane (24057958)  
Fish & Richardson P.C.  
1221 McKinney Street  
Suite 2800  
Houston, TX 77010  
713-652-0115  
Fax: 713-652-0109  
[healey@fr.com](mailto:healey@fr.com)  
[stephens@fr.com](mailto:stephens@fr.com)  
[jlane@fr.com](mailto:jlane@fr.com)

**COUNSEL FOR DEFENDANT,  
APPLE INC.**

By: /s/ Elizabeth L. DeRieux with permission  
by Charles Ainsworth

Elizabeth L. DeRieux  
State Bar No. 05770585  
S. Calvin Capshaw  
State Bar No. 03783900  
N. Claire Abernathy  
State Bar No. 24053063  
D. Jeffrey Rambin  
State Bar No. 00791478  
CAPSHAWDERIEUX L.L.P.  
1127 Judson Road, Suite 220  
P.O. Box 3999 (75606-3999)  
Longview, Texas 75601-5157  
(903) 236-9800 Phone  
(903) 236-8787 Fax  
E-mail: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)  
E-mail: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)  
E-mail: [chenry@capshawlaw.com](mailto:chenry@capshawlaw.com)  
E-mail: [jrambin@capshawlaw.com](mailto:jrambin@capshawlaw.com)

NIXON PEABODY LLP  
Robert E. Krebs  
Ronald F. Lopez  
Christopher L. Ogden  
Sushila Chanana

**ATTORNEYS FOR DEFENDANT,  
AMERICAN AIRLINES, INC.**

By: /s/ Elizabeth L. DeRieux with permission  
by Charles Ainsworth

Elizabeth L. DeRieux  
State Bar No. 05770585  
S. Calvin Capshaw  
State Bar No. 03783900  
N. Claire Abernathy  
State Bar No. 24053063  
D. Jeffrey Rambin  
State Bar No. 00791478  
CAPSHAW DERIEUX L.L.P.  
1127 Judson Road, Suite 220  
P.O. Box 3999 (75606-3999)  
Longview, Texas 75601-5157  
(903) 236-9800 Phone  
(903) 236-8787 Fax  
E-mail: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)  
E-mail: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)  
E-mail: [chenry@capshawlaw.com](mailto:chenry@capshawlaw.com)  
E-mail: [jrambin@capshawlaw.com](mailto:jrambin@capshawlaw.com)

*Of Counsel*

John M. DiMatteo  
[jdimatteo@willkie.com](mailto:jdimatteo@willkie.com)  
Kelsey I. Nix  
[knix@willkie.com](mailto:knix@willkie.com)  
WILLKIE FARR & GALLAGHER LLP  
787 Seventh Avenue  
New York, NY 10019  
(212) 728-8000 Phone  
(212) 728-8111 Fax

**ATTORNEYS FOR DEFENDANT  
BLOOMBERG, L.P.**

By: /s/ Jason W. Cook with permission by  
Charles Ainsworth

Jason W. Cook  
Texas Bar No. 24028537  
[jason.cook@alston.com](mailto:jason.cook@alston.com)  
ALSTON & BIRD LLP  
Chase Tower  
2200 Ross Avenue, Suite 3601  
Dallas, TX 75201  
Tel: 214.922.3407

By: /s/ Jeffrey A. Andrews with permission by  
Charles Ainsworth

Robert J. McAughan, Jr.  
Texas Bar No. 00786096  
[bmcaughan@lockelord.com](mailto:bmcaughan@lockelord.com)  
Steven Boyd  
Texas Bar No. 24001775  
[sboyd@lockelord.com](mailto:sboyd@lockelord.com)  
Jeffrey A. Andrews  
Texas Bar No. 24050227  
[jandrews@lockelord.com](mailto:jandrews@lockelord.com)  
LOCKE LIDDELL & BISSELL AND  
LIDDELL LLP  
600 Travis Street, Suite 3400  
Houston, Texas 77002  
Telephone: (713) 226-1200  
Facsimile: (713) 223-3717

**ATTORNEYS FOR DEFENDANT  
CONTINENTAL AIRLINES, INC.**

Fax: 214.922.3899

By: /s/ Patrick J. Flinn with permission by  
Charles Ainsworth

Patrick J. Flinn

**Lead Attorney**

Georgia Bar No. 264540

patrick.flinn@alston.com

Robert L. Lee

Georgia Bar No. 443978

bob.lee@alston.com

Siraj M. Abhyankar

Georgia Bar No. 484680

shri.abhyankar@alston.com

Jennifer R. Liotta

Georgia Bar No. 109528

jennifer.liotta@alston.com

ALSTON & BIRD LLP

1201 West Peachtree Street

Atlanta, GA 30309-3424

Tel: 404.881.7000

Fax: 404.881.7777

Counsel for Defendant  
and Counterclaim Plaintiff

**UNITED PARCEL SERVICE, INC.**

### **CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 22th day of June, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Charles Ainsworth

CHARLES AINSWORTH